

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ABBY B. CONLEY,

Plaintiff

**JURY TRIAL DEMANDED**

v.

Civil Action No.: 05-CV-76 E

COUNTY OF ERIE, ERIE COUNTY OFFICE  
OF CHILDREN AND YOUTH, a/k/a ERIE  
COUNTY CHILD WELFARE SERVICE,  
RICHARD SCHENKER, individually and in  
his capacity as County Executive of Erie  
County, Pennsylvania, PETER CALLAN,  
individually and in his capacity as Erie County  
Director of Personnel, DEBRA LIEBEL,  
individually and in her capacity as Executive  
Director, Erie County Office of Children and  
Youth, a/k/a Erie Child Welfare Service and  
JOHN A. ONORATO, ESQUIRE, individually  
and in his capacity as Erie County Solicitor,

Judge Sean J. McLaughlin

Defendants

**MOTION TO COMPEL**

AND NOW comes Defendant, John A. Onorato, Esquire, individually and in his official capacity, by and through his attorneys, Dell, Moser, Lane and Loughney, LLC, and Mark R. Lane, Esquire, and files the within Motion to Compel Answers to Interrogatories and Responses to Request for Production of Documents:

1. Plaintiff's Complaint alleges violations of 42 U.S.C. §1983, Conspiracy to Violate 42 U.S.C. §1983, Violation of the Whistle Blower Law (43 Pa. C.S. §1421-1428), and wrongful discharge.
2. The Complaint further alleges claims against Mr. Onorato, individually, for defamation and violation of 42. U.S.C. §1983.

3. On January 9, 2006, Defendant Onorato served a Third Set of Interrogatories and Request for Production of Documents directed to the Plaintiff. A true and correct copy of the Third Set of Interrogatories and Request for Production of Documents directed to Plaintiff are attached hereto and identified as Exhibit "A."

4. Federal Rules of Civil Procedure 33(b)(3) and 34(b) require a party to respond to interrogatories and requests for production of documents within thirty (30) days.

5. On February 28, 2006, Defendant's counsel sent a letter to Plaintiff's counsel requesting a response to the interrogatories and requests for production of documents. The letter dated February 28, 2006, is attached hereto as Exhibit "B."

6. Defendant's counsel has yet to receive the requested responses.

7. Defendant will be severely prejudiced in his ability to defend this matter without the requested information.

WHEREFORE, Defendant, John A. Onorato respectfully requests this Honorable Court enter an order requiring Plaintiff to respond to Defendant's Third Set of Interrogatories and Requests for Production of Documents within twenty (20) business days.

Respectfully Submitted:

DELL MOSER LANE & LOUGHNEY, LLC



Mark R. Lane, Esquire

Pa. I.D. No. 61923

Attorneys for Defendant, John A. Onorato, Esquire

**JURY TRIAL DEMANDED**

525 William Penn Place, Suite 3700  
Pittsburgh, PA 15219  
(412) 471-1180

**CERTIFICATE OF SERVICE**

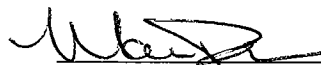
I hereby certify that a true and correct copy of the within **Motion to Compel Discovery Responses and Discovery Dispute Certificate of Compliance** have been served upon all counsel of record by Electronic Mail, this 5<sup>th</sup> day of April, 2006 as follows:

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Vendetti & Vendetti  
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Erie, PA 16509  
*Counsel for Plaintiff*

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Erie, PA 16501  
*Counsel for Plaintiff*

Edmond Joyal, Esquire  
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*Counsel for County of Erie, et al.*

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*Counsel for County of Erie, et al.*  
***Official Capacities Only***



Mark R. Lane, Esquire  
Attorney for Defendant,  
John A. Onorato, Esquire